

April 17, 2013

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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **Notice of Ex Parte – CG Docket Nos. 03-123, 10-51**
Purple Communications, Inc.

Dear Ms. Dortch:

This letter memorializes the following series of *ex parte* discussions: On April 15, 2013, Monica Desai, outside counsel to Purple Communications, Inc. (“Purple”), had separate phone conversations with (1) Jonathan Chambers, Acting Chief of the Office of Strategic Planning and Policy Analysis, and (2) Nicholas Degani, Legal Advisor to Commissioner Pai. Also on April 15, Dan Luis, Board and Executive Advisor for Purple, had a phone conversation with Angela Kronenberg, Legal Advisor to Commissioner Clyburn. On April 16, John Goodman, Purple’s Chief Legal Officer, and Ms. Desai had separate meetings with (1) Jonathan Chambers and (2) Elizabeth Andrion, Legal Advisor to Chairman Genachowski. Additionally, on April 17, Mr. Goodman and Ms. Desai had separate meetings with (1) Angela Kronenberg; (2) Priscilla Delgado Argeris, Legal Advisor to Commissioner Rosenworcel; (3) Nicholas Degani; (4) Kris Monteith, Acting Chief of the Consumer and Governmental Affairs Bureau (“CGB”), Karen Strauss, Deputy Chief of CGB, Robert Aldrich, Legal Advisor to the Chief of CGB, and Gregory Hlibok, Chief of the Disability Rights Division, CGB; and (5) Jonathan Chambers.

The discussions focused on the proposal outlined in Purple’s Comments, filed in the above-referenced proceedings on April 16, 2013,¹ regarding the Commission’s plan to reform the rates and structure of the Video Relay Service (“VRS”) program. In particular, Mr. Goodman and Ms. Desai emphasized the following points:

- Purple’s proposal for Tier I rate reform will not impact the VRS portion of the Interstate Telecommunications Relay Service Fund (the “Fund”) more than approximately 1-2%. Moreover, the 1-2% impact is more than compensated for by Purple’s expanded tier

¹ See Comments of Purple Communications, Inc., CG Docket Nos. 03-123 and 10-51, dated April 16, 2013.

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proposal,² which is consistent with the Rolka Loube Saltzer Associates, LLC (“RLSA”) plan announced at the Interstate TRS Advisory Council Meeting on April 16, 2013.

- As suggested by Purple, the VRS rate tiers should be expanded to include a third tier for minutes in excess of 2 million. Depending on the amount of the reduction, lowering the VRS rates in this expanded tier could save the Fund over \$90 million per year.

In support of these recommendations, Mr. Goodman and Ms. Desai provided a copy of the slide presentation previously filed by Purple,³ and requested that FCC advisors review the Office of Inspector General’s (“OIG”) independent audit report regarding Sorenson Communications, Inc.⁴ Furthermore, they encouraged advisors to request a copy of the OIG independent audit report regarding Purple, given that the report has not yet been published.

Additionally, Mr. Goodman and Ms. Desai emphasized that it is important that the Commission address the issue of point-to-point blocking. As discussed in Purple’s Request for Immediate Public Notice, filed on April 11, 2013,⁵ the Commission should issue an immediate Public Notice warning that any VRS provider that configures its service and corresponding equipment to block a consumer from leaving a video mail message through a point-to-point call using a competing service must immediately end that practice. Any provider engaging in such discriminatory and anticompetitive practices must be subject to swift enforcement action.

² See Purple’s Comments to Public Notice on Structure and Practices of the Video Relay Services Program, CG Docket Nos. 03-123 and 10-51, 15-16, dated Nov. 14, 2012; Purple’s Reply Comments to Public Notice on Structure and Practices of the Video Relay Services Program, CG Docket Nos. 03-123 and 10-51, 12-13, dated Nov. 29, 2012.

³ See Letter from John Goodman, Chief Legal Officer, Purple Communications, Inc., to Marlene H. Dortch, Secretary, FCC, and Gregory Hlibok, Chief, Disability Rights Office, FCC, Notice of *Ex Parte*, CG Docket Nos. 10-51 and 03-123, dated Sept. 18, 2012.

⁴ See Office of Inspector General Memorandum, dated September 27, 2012, *available at* http://transition.fcc.gov/oig/Sorenson_Audit_Report_09272012_Redacted.pdf (“TRS funds received by Sorenson for VRS did not compensate for only the reasonable costs of providing access to VRS.”).

⁵ See Purple’s Request for Immediate Public Notice: VRS Providers May Not Discriminate Against Consumers Using Competing Service Providers In Their Ability to Leave a Video Mail Message, CG Docket Nos. 10-51 and 03-123, dated April 11, 2013.

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Finally, Mr. Goodman and Ms. Desai emphasized the importance of the Commission addressing interoperability issues in general.

Respectfully submitted,



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